

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Case No.

1:23-CV-740

(to be filled in by the Clerk's Office)

JAMES FRANCIS O'DONNELL, JR.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ NoEPWRATA POLICE DEPT.OFFICER JOHNSTONLANCASTER POLICE DEPT.OFFICER HATFIELD, JR (LANC. K-9)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED
HARRISBURG, PA

MAY 04 2023

PER

DEPUTY CLERK

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name JAMES F. O'DONNELL, SR.
 Address HOMELESS
EPHRATA PA 17522
City State Zip Code
 County LANCASTER
 Telephone Number (717) 253 8066
 E-Mail Address JFODJREV@GMAIL.COM

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Off. DAVID JOHNSTON
 Job or Title (if known) POLICE OFFICER
 Address STATE STREET
EPHRATA PA 17522
City State Zip Code
 County LANCASTER
 Telephone Number _____
 E-Mail Address (if known) _____

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name Off. HATFIELD JR.
 Job or Title (if known) POLICE OFFICER / K-9 HANDLER (ZOLTAN)
 Address LANCASTER CITY PA
City State Zip Code
 County LANCASTER
 Telephone Number _____
 E-Mail Address (if known) _____

☐ Individual capacity ☒ Official capacity

Defendant No. 3

Name

EPARATA POLICE DEPARTMENT

Job or Title (if known)

Address

124 S. STATE ST.

EPARATA
CityPA
State17522
Zip Code

County

LANCASTER

Telephone Number

E-Mail Address (if known)

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name

LANCASTER CITY POLICE DEPARTMENT

Job or Title (if known)

K-9 UNIT

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Yes, The Defendant Has A Right To

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

DISCRIMINATION BECAUSE OF RECENT CIRCUMSTANCES I AM HOMELESS

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

3 E LOCUST ST EPHRATA BOROUGH PA 17522

- B. What date and approximate time did the events giving rise to your claim(s) occur?

3/28/23 1:41 AM

5 E LOCUST ST. EPHRATA BOROUGH PA 175

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I WAS RELEASED FROM LANCASTER COUNTY PRISON AND ARRIVED IN EPHRATA, PA AT 12:00 AM. I COULD NOT GO TO WHERE I WAS GOING TO STAY. IT WAS TOO COLD TO BE OUTSIDE. I SAW A WINDOW OF A GARAGE OPENED AND WENT IN FELL ASLEEP. I WAS AWAKENED BY A POLICE DOG AND THE DOG SERIOUSLY INJURED MY LEFT HAND AND MY RIGHT ARM. I HEARD NO ANNOUNCEMENT UNTIL AFTER THE DOG WAS ON ME FOR 5 OR 10 SECONDS. I WAS TOTALLY ASLEEP AND WAS MAULED FOR AT LEAST A FULL MINUTE. THEN, SEVERELY BLEEDING WAS CURED, SECURED, AND ARRESTED. ONLY EPHRATA POLICE AND LANCASTER POLICE WERE WITNESSES.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

MY LEFT HAND SUFFERED A DEEP LACERATION AROUND THE PAD OF MY THUMB. IT WAS APPROXIMATELY 3 INCHES ~~LONG~~ AND VERY DEEP. MY RIGHT ARM WAS SEVERELY PULLED TO THE POINT THAT THE NERVE IS CONTINUING TO CAUSE HORROR PAIN. THE DOCTORS BELIEVED I SHOULD BE SEEN BY AN ORTHOPAEDIC SURGEON BUT WERE TOLD THAT I HAD TO BE DROPPED AT THE JAIL SO A MINOR STITCH JOB WAS APPLIED TO LEFT HAND. MY RIGHT ARM RECEIVED A BANDAGE, I WAS GIVEN PAIN KILLERS AND RETURNED TO EPHATA TO ANSWER QUESTIONS WHICH I DON'T REALLY REMEMBER.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

AFTER CARE FOR NERVE DAMAGE
PSYCHIC EVALUATION FOR P.T.S.D.
CONSULT CIVIL LAWYER FOR THE VALUE OF DAMAGES

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

4/30/23

Signature of Plaintiff

Printed Name of Plaintiff

James F. O'Donnell Jr.
JAMES F. O'DONNELL JR.

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Name JAMES F. O'DONNELL, JR.
Number 201900001191
Lancaster County Prison
Drawer C
625 East King Street
Lancaster, PA 17602-3199

RECEIVED
HARRISBURG, PA

MAY 04 2023

PER

SH
DEPUTY CLERK

NORTH EASTERN DISTRICT COURT
1501 NORTH 6TH STREET
HARRISBURG, PA

17102

HARRISBURG PA 171

2 MAY 2023 PM 4:1



17102-110401

